THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :25304 of 2007

DATED:29-11-2007

BETWEEN:
T.R.Narasimham.

..... PETITIONER

AND
The State of Andhra Pradesh,
Rep., by its Secretary,
Revenue Department,
Secretariat,
Hyderabad & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 2nd respondent in refusing to issue No Objection Certificate vide proceedings No.N2/F3/91/04, dated
09-07-2007, as illegal, and arbitrary.

3. It is the case of the petitioner that his father purchased an extent of 2400 sq.yds in Sy.No.847 of Malkajgiri village vide document bearing No.2491/66 and the said property was assessed to the municipal tax. It is stated that in fact, before the purchase of the said land the father of the petitioner was in possession of the said land and he constructed a house in 1953 and after the death of his father in 1959 petitioner succeeded the said property and Sy.No.847 is correlated to TSLR No.45 (part) Block E, Ward No.132.

4. It is stated that petitioner applied for 'No Objection Certificate' on 04-05-2006 to the 2nd respondent-District Collector, Hyderabad but the 2nd respondent vide impugned proceedings No.N2/F3/91-04, dated 09-07-2007, requested the 1st respondent-Secretary, Revenue (Assn.III) Department, A.P., Hyderabad to give necessary instructions with regard to the corrections and change of entries in TSLR in respect of the land in question so as

to enable him to take further action. It is further stated that the enquiry conducted by him revealed that Sy.No.844/14 of Malkajgiri village is a Government land and Sy.No.844/15 and 847 of Malkajgiri village is private land, and shown as correlated to TS.No.45, Block E, Ward 132 in P.D. sketch. P.D.Sketch is found to be correct, but TLSR entry is not correct. It is further stated that it is a major correction to show the extent of Saibaba temple and the land of the petitioner separately in TSLR by incorporating their names and extents separately with correlated revenue survey numbers, but Section 14 of the A.P.Survey & Boundaries Act, 1923 empowers neither the Collector nor the Commissioner, Survey Settlement and Land Records to correct TSLR entries, except some minor corrections as per the scope of the Chief Commissioner, Land Administration, Hyderabad circular No.N2/1372/05, dated 31-03-2005, but only the civil Court has jurisdiction to correct in such cases.

5. I am of the opinion that when the civil Court has got power in such cases and if the entries in the TSLR are not based on the factual aspects it is always open for the Government to rectify the said records.

6. Having regard to the facts and circumstances of the case, 1st respondent is directed to consider the report submitted by the 2nd respondent-District Collector in the impugned proceedings, and after giving reasonable opportunity to all the concerned, pass appropriate orders in accordance with law as expeditiously as possible without any undue delay.

7. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

29th November, 2007.
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